IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.19021 of 2003

Between:

M. Penchalaiah s/o Seshaiah,
Nellore District Cooperative Central Bank, R/o 2-2-17/24, Laxminagar, Kovur Taluq & Mandal, Nellore District.

...PETITIONER

AND

The General Manager, NDCC Bank, Nellore.

...RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, Writ or Direction more particularly a Writ of Mandamus Under Article 226 of Constitution of India, declaring the action of the Respondent in not paying the gratuity amount of Rs.2,76,845/- to the petitioner through he retired on 30.06.2000 as Branch Manager in NDCC Bank as illegal, arbitrary, unjust and violative of Articles 14 and 21 of the Constitution of India and Consequently direct the respondent to forthwith pay the said amount due towards gratuity with interest thereon @ 18 %.

Counsel for the Petitioner: MR.P.SRIDHAR REDDY

Counsel for the Respondent: MR.A.MURALIDHAR

The Court made the following:

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.19021 of 2003

ORDER:

Heard both sides.

At the request of both the counsel, the main Writ Petition itself is taken up for disposal.

The only question involved in this Writ Petition is the entitlement of the petitioner to the benefits of gratuity. Admittedly, the petitioner was retired on 30.06.2000 and since then, no amounts have been paid towards gratuity. Though the petitioner approached the Consumer Forum, initially it granted the benefit, but in appeal, the same was set aside on the ground that the Consumer Forum has no jurisdiction. Further, having regard to the principles laid down by the Division Bench of this Court i n ***General Manager, Adilabad District Co-operative Central Bank Ltd., v. K.Ranga Rao*** following the decision in ***The State Bank of India v. A. N. Gupta etc.,*** such benefit cannot be denied. In view of the same, there cannot be any objection to the respondents herein to pay the benefits of gratuity to the petitioner.

Accordingly, the Writ Petition is allowed with a direction to the respondents to pay the gratuity amount to the petitioner along with interest @ 4% within a period of two

months from the date of receipt of a copy of this order.

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(B.PRAKASH RAO, J)

8th December 2004

RRB

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Wednesday,

the Eighth day of December 2004.

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The General Manager, NDCC Bank, Nellore.
2. Two CD copies.